



February 13, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force Notice of *Ex Parte* Meeting

Dear Ms. Dortch:

On February 11, 2013, Harold Feld, Senior Vice President, and Jodie Griffin, Staff Attorney, of Public Knowledge (PK) met with Sean Lev, General Counsel and Interim Director of the FCC Technology Transitions Policy Task Force, and Rebekah Goodheart, Associate Chief of the Wireline Bureau and Deputy Director of the FCC Technology Transitions Policy Task Force.

Public Knowledge urged the Commission to proceed with the PSTN transition by first establishing fundamental principles by which to guide the Commission's decision making throughout the transition. At this early stage, the Commission should not engage in simply arbitrating between the wish lists of the many parties that have submitted comments in this proceeding. The Commission must guide this transition based on basic principles, from which the Commission can evaluate the impact of various proposals.

PK proposes that the Commission use the Five Fundamentals framework PK laid out in its Comments, ensuring that the post-transition phone network will still seek to provide service to all Americans, ensure interconnection and competition, protect consumers, guarantee network reliability, and provide key public safety capabilities.<sup>1</sup> These basic principles can be used to guide the Commission's actions going forward and serve as a checklist to evaluate specific proposals made by others. The comments submitted have already revealed how the PSTN transition will inevitably create unanticipated impacts on stakeholders, like federal aviation service providers,<sup>2</sup> users with disabilities,<sup>3</sup> and subscribers that in one way or another depend on alarm systems currently tied to the existing infrastructure.<sup>4</sup> As the transition continues to unfold, there are surely more examples to come. The Commission will discover all kinds of communities and stakeholders that have relied upon the existing network and rules in particular ways that have

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<sup>1</sup> See Comments of Public Knowledge, *Comment Sought on the Technological Transition of the Nation's Communications Infrastructure*, GN Docket No. 12-353 (Jan. 28, 2013), available at <http://apps.fcc.gov/ecfs/comment/view?id=6017160627>.

<sup>2</sup> See Comments of Harris Corporation, *Comment Sought on the Technological Transition of the Nation's Communications Infrastructure*, GN Docket No. 12-353 (Jan. 28, 2013).

<sup>3</sup> See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc. et al., *Comment Sought on the Technological Transition of the Nation's Communications Infrastructure*, GN Docket No. 12-353 (Jan. 28, 2013).

<sup>4</sup> See Comments of AARP, *Comment Sought on the Technological Transition of the Nation's Communications Infrastructure*, GN Docket No. 12-353 (Jan. 28, 2013).

until now flown under the radar, and the Commission must have a framework ready that can absorb those surprises.

PK urged the Commission to issue a broader Notice of Inquiry in this proceeding that adopts a principled framework for moving forward in the PSTN transition and provides a unifying docket for the many existing proceedings that bear on this issue. Any party that seeks regulatory relief from the Commission must then first explain why its proposal will not compromise the Commission's fundamental principles. The Commission's framework would allow it to evaluate arguments like the ability of competition to achieve fundamental goals, and the efficacy of voluntary programs for users across all parts of the phone network.

The Commission could use a Notice of Inquiry to create coherence among the many complicated issues in these inter-related proceedings, and to establish that the basic principles by which the Commission will resolve issues will not vary or shift by proceeding. The Notice would focus the general discussion around the PSTN transition and recognize the other proceedings that have impact on this issue. The Commission must also confirm that it plans to retain sufficient authority to ensure that calls are always completed, even after upgrades are made to the network.

In this proceeding, we have already seen many stakeholders come forward with their various wish lists for rules to include or not include in the post-transition PSTN regulatory structure. The Commission must now seize its opportunity to establish guiding principles for the duration of the transition and push for consensus.

Respectfully submitted,

/s/  
Jodie Griffin  
*Staff Attorney*  
PUBLIC KNOWLEDGE